United Nations S/2002/939

Security Council

Distr.: General
15 August 2002
English
Original: Arabic

Letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a letter dated 15 August 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, together with the 19 questions raised by Iraq at the discussion meeting held on 7 March 2002, addressed to you in reply to your letter of 6 August 2002 concerning Iraq's proposal on the holding of a series of technical discussions between Iraqi experts and those of UNMOVIC.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Permanent Representative

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Annex to the letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I wish to thank you for your letter of 6 August 2002 in reply to our proposal on the holding of a series of technical discussions between Iraqi experts and those of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) with a view to reviewing the progress made in disarmament between May 1991 and December 1998 and to determining how the remaining questions may be settled. I also wish to thank you for your willingness to maintain the dialogue between the United Nations and Iraq for the purpose of resolving outstanding problems between the two parties in accordance with principles of international legitimacy and Security Council resolutions.

Relations between Iraq and the Security Council underwent a serious crisis after the large-scale military aggression launched by the United States and the United Kingdom against Iraq on 16 December 1998, at a time when the Council was in session to consider how to implement your proposal concerning a comprehensive review of the obligations fulfilled by Iraq. Iraq and many other countries were hoping that that review would attain its objectives and would lead to the fulfilment by the Council of the obligations set forth in its resolutions on Iraq, including the lifting of the iniquitous embargo imposed against Iraq in August 1990, the cessation of the persistent acts of aggression against Iraq, and the establishment in the Middle East of a zone free from weapons of mass destruction.

In spite of the condemnation and protests of the international community at that cowardly act of aggression, in whose organization the former United Nations Special Commission (UNSCOM) and its Chairman, Richard Butler, participated, the United States not only prevented the Security Council from taking any measure but even induced it to adopt resolution 1284 (1999). This reformulation of resolution 687 (1991) imposed new conditions, thereby enabling the Council to evade more easily its obligations with regard to Iraq. In its resolution 1382 (2001) of 29 November 2001, the Council itself admitted the non-applicability of resolution 1284 (1999), when it acknowledged that this resolution called for certain clarifications.

By preventing the Security Council from discharging its obligations towards Iraq, the United States added to the sufferings of the Iraqi people by virtue of the maintenance of the embargo, which, by 11 August 2002, had caused the deaths of 1,732,151 Iraqis, most of them children. It also prevented the limited and provisional "oil-for-food" programme from meeting the most elementary needs of the Iraqi people, since, by 1 August 2002, it had put on hold 2,170 contracts, totalling $5.3 billion, and it recently imposed a retroactive oil-price-setting mechanism, which has led to a sharp decline in Iraqi oil exports and a steep reduction in the income received under the programme.

Since 1991, the United States and the United Kingdom have regularly violated the sovereignty, independence and territorial integrity of Iraq in the illegally imposed no-fly zones. They have committed military acts of aggression on a daily basis since the end of 1998. They launched five large-scale military attacks against Iraq in 1993, 1996, 1998 and 2001. They apply an official policy of interference in the internal affairs of Iraq and are attempting by every means to invade Iraq with a view to installing a puppet regime there, in flagrant violation of international law,

the Charter of the United Nations and the relevant resolutions of the Security Council. For its part, the Security Council has never adopted any official measure in this regard.

In order to find a way out of the crisis in the relations between Iraq and the United Nations, the Iraqi Government replied favourably to your proposal concerning the initiation of a dialogue, without conditions, with a flexible timetable, the goal being to arrive at a balanced and equitable implementation of relevant Security Council resolutions which reflects international law and the Charter of the United Nations. In the course of the first series of discussions, held in February 2002, we presented our views on the crisis. The dialogue resumed in March 2002 after being frozen by the United States for more than a year.

In March 2002 you agreed with us that the dialogue between the two parties should be based on international law, the Charter of the United Nations and the resolutions of the Security Council, and not on the political agenda of any State. We said that this dialogue must be dissociated from the political agenda of the United States, which has used, and intends to continue using, the United Nations as an instrument of their foreign policy, which is hostile to Iraq.

During this series of discussions we put 19 questions (see attachment) and requested a response from the Security Council. In these questions, we asked the Council to address the matter of its obligations towards Iraq, as set down in its own resolutions with respect to the lifting of the iniquitous embargo imposed pursuant to paragraphs 21 and 22 of resolution 687 (1991), the establishment in the Middle East of a zone free from weapons of mass destruction as required by paragraph 14 of the same resolution, the cessation of the attacks launched by the United States and the United Kingdom inside and outside the no-fly zones, in violation of all the Council resolutions calling for respect for the sovereignty, independence and territorial integrity of Iraq, the restoration of the economic, cultural, health and social infrastructure of Iraq, after the severe damage caused by the United States-British attacks, the reparation of the moral and psychological harm done to the Iraqi people in violation of international law and international humanitarian law, the recognition of Iraq's right to defend itself under Article 51 of the Charter of the United Nations, and the adoption of decisions regarding the arbitrary Security Council measures preventing Iraq from exercising its right of self defence.

During this series of discussions, we informed you that responses by the Security Council to our questions were necessary in order to provide the Iraqi leaders with sufficient information to enable them to take appropriate decisions concerning the vital interests, security, sovereignty and independence of Iraq. The Iraqi leaders cannot take appropriate decisions on these extremely important questions without knowing the Council's position regarding its obligations towards Iraq under the provisions of its own resolutions. The situation is even more confused because we have to deal with ambiguous texts that can be interpreted in various ways, as the Security Council itself acknowledged in paragraph 6 of resolution 1382 (2001).

In your reply, you indicated that Iraq's questions were legitimate and that you would transmit them to the Security Council for a response. You said that the presence at the discussions of the Executive Chairman of UNMOVIC, Mr. Hans Blix, was an important advance, and you expressed the hope that the technical

discussions would take place in parallel with the political discussions, with a view to reaching a comprehensive settlement.

During this series of discussions, Mr. Hans Blix tried to demonstrate that UNMOVIC was different from the former UNSCOM, the mandate of the latter having been marked by scandals, espionage operations and the proven participation of the United States information services, which were directing the work of the Special Commission. All of this led to the cessation of UNSCOM activities and the expulsion of its Chairman. For your part, you reassured the Iraqi party as to the intentions and conduct of Mr. Blix.

These affirmations gave us hope. Accordingly, we sent to the following series of discussions, held in May 2002, a high-level technical delegation composed of the best Iraqi disarmament and inspection experts. Iraq's technical team was headed by two consultants of ministerial rank who discharged the most senior functions in disarmament and inspection. The Iraqi team also included the most senior official of the Iraqi National Surveillance Service and a number of Iraqi experts and scientists specialized in missiles and nuclear, chemical and biological questions.

During the series of discussions held in May 2002, we were surprised to find that the Security Council had not replied to any of our questions and that Mr. Blix refused to hold detailed technical discussions with the Iraqi technical team concerning evaluation modalities during the period elapsed and how to deal with the questions which UNMOVIC considered to be outstanding since this period.

We next participated in the series of discussions held on 4 and 5 July 2002 in Vienna, accompanied by a high-level technical team, with a view to obtaining replies from the Security Council to our questions, studying the elements of a final settlement and engaging in technical discussions with UNMOVIC to determine how to evaluate the progress achieved in disarmament between May 1991 and December 1998 and how to settle the remaining questions.

In the discussions held in Vienna, progress was made with respect to the restitution of Kuwaiti documents, since we agreed with you on a mechanism for the restitution of the Kuwaiti archives and other documents. We also made progress in our technical discussions with the International Atomic Energy Agency. The Agency was of the view that no disarmament question was still outstanding and that the three remaining questions could be settled within the framework of a continuing inspection operation. For your part, you informed us, again, that you had not obtained replies from the Security Council to our questions, despite the legitimacy of our request.

During this series of discussions, we reaffirmed that the only way out of the crisis in the relations between Iraq and the United Nations, caused by the conduct of the United States, was to resolve all the elements of the problem, in other words to lift the comprehensive and inhumane embargo imposed for 12 years on the Iraqi people; to respect the security and territorial integrity of Iraq; to deal with the problem of the destruction caused by the United States-British military attacks and the comprehensive embargo; and for both parties to establish a transparent mechanism which would enable the United Nations to verify United States allegations regarding the possession and development by Iraq of weapons of mass destruction, including nuclear, chemical and biological weapons.

In this context, we stated that the experience of the past 11 years had demonstrated without any shadow of a doubt that no purpose was served when the Security Council, under the pressure of the United States, concentrated on a single element (weapons inspection and monitoring) and neglected the links between this element and the other requirements specified in Council resolutions. Here, an important and revealing fact needs to be stated: when it returned to Iraq, the inspection team carried out 427 inspections between mid-November and mid-December 1998, and the Chairman of UNSCOM, Richard Butler, noted that Iraq had failed to cooperate in five, or 1 per cent, of these inspections. This means that, even in the opinion of intransigent and suspicious persons like Butler, Iraq cooperated in 99 per cent of the cases, a point which the Security Council should bear in mind in fulfilling its obligations. Yet, between 16 and 20 December 1998, Iraq was rewarded for this very high level of cooperation with the launching by the United States and the United Kingdom of 460 Cruise missiles and thousands of aerial bombs and missiles.

We have reaffirmed that the Iraqi request concerning a comprehensive settlement was based on international law and resolutions of the Security Council, which in the most recent of those resolutions, namely resolution 1382 (2001), requested that a comprehensive settlement should be reached.

To move forward the technical discussions, the Iraqi delegation attending the discussions in Vienna made a proposal aimed at advancing the dialogue on weapons inspection. It suggested the holding of an expanded technical meeting to take stock of the preceding period (May 1991-December 1998), and more precisely to determine what had been accomplished in the way of disarmament tasks specified in Security Council resolutions and to find a way of settling the remaining disarmament questions which the former UNSCOM had listed at the end of 1998 and which Mr. Amorim mentioned in his report at the beginning of 1999, the goal being to lay jointly and clearly the basis for any future inspection operation. At the end of this series of discussions, you told us that you would endeavour to obtain the Council's replies to our questions and our appeal for a comprehensive settlement, and that you hoped that the discussions would continue with the Iraqi delegation, including at the technical level.

In order to continue the contacts with you, in both the political and technical fields, I sent you a letter dated 1 August 2002 proposing the holding of a series of technical discussions between the two parties, in implementation of the proposal that you had made during the Vienna discussions.

To our great regret, we learned through the press (the daily newspaper *Al-Hayat* of 4 August 2002) of the speedy, direct and negative reaction by Mr. Blix to the proposals made in our letter, and this was even before you met with the Security Council on 5 August to consider these proposals. The position taken by Mr. Blix reminds us of the bitter experience that we, along with the United Nations, had with Mr. Richard Butler, Chairman of the former Special Commission (UNSCOM), who, through his acts, statements and decisions, exceeded the powers of the United Nations Secretariat and the Security Council.

Mr. Blix's comments to the effect that paragraph 7 of Security Council resolution 1284 (1999) prohibits him from discussing with the Iraqi party the technical aspects of the method for resolving in the future the outstanding questions do not square with the facts and realities and ignore the obscure and inapplicable

nature of that resolution, which justifies our opposition to the text and is confirmed by three permanent members as well as Security Council resolution 1382 (2001) itself, paragraph 7 of which refers to a list of basic outstanding questions in the field of disarmament to be drawn up by UNMOVIC after its return to Iraq. In the proposal set forth in our letter, we are not asking that this list (which, contrary to what UNMOVIC claims, does not exist) be discussed, but rather that we take stock of the disarmament tasks which have been carried out and that we reach agreement on the way to resolve the tasks which the former Special Commission listed as not having been completed as of 15 December 1998, as they were defined by the former Special Commission at that time and set forth in the report that Ambassador Amorim submitted to the Security Council on 30 March 1999.

The technical dialogue that we have proposed is designed to avoid the differences of views and the crises which marked the work of the inspectors during the period from 1991 to 1998 and to lay a solid foundation on which future cooperation would be built. If the outstanding questions from the earlier period are not resolved, it will be difficult to begin a new period that would be based on professional cooperation aimed at settling the remaining disarmament questions insofar as we would find ourselves again in a minefield and only a few weeks would pass before the new monitoring regime once again would lead to differences of views and crises and the inspectors would again withdraw after having raised further demands for updated information in such a way as to cause further harmful effects and provide the United States and those who support it with a pretext for attacking Iraq again, as had occurred throughout the period from 1991 to 1998.

With regard to the chronology for implementing the measures set forth in resolution 1284 (1999), I should like to reaffirm that we are not requesting a discussion of the key disarmament tasks that remain to be carried out under paragraph 7 of that resolution in order to raise the question of the chronology for implementing those measures. Therefore, the chronology for implementing the measures set forth in the Security Council resolutions can also be considered in a comprehensive manner, that is to say, within the context of the implementation of all the measures set out in the Council resolutions, according to their merit and without selectively giving preference to one or another issue or resolution. From this point of view, the first necessary measure to be carried out urgently is that contained in the eighth preambular paragraph of resolution 686 (1991), which reaffirms the commitment of all Member States to the independence, sovereignty and territorial integrity of Iraq. The United States and the United Kingdom should also immediately put an end to the illegal so-called air exclusion zones and all other acts which violate Iraq's sovereignty, independence and territorial integrity. Then there is the implementation of paragraphs 14, 21 and 22 of resolution 687 (1991) and the reconsideration of the arbitrary compensation imposed on Iraq, through judicious application of paragraph 19 of resolution 687 (1991) and paragraph 3 of resolution 705 (1991), before proceeding to the other applicable provisions.

I should like to reaffirm, in this regard, that the proposal for a technical meeting that we put forward during the Vienna discussions and in the preceding letter that we addressed to you is in accordance with and complements your own proposal of September 1998 aimed at undertaking a comprehensive consideration of the disarmament phase since, according to the document that you submitted to the Security Council on 5 October 1998, the direct goal of the first phase of comprehensive consideration was to reach agreement on a method of work and a

timetable which, if they were respected, would make it possible to meet speedily the disarmament requirements set forth in section C of resolution 687 (1991).

The proposal set forth in our letter therefore constitutes a very important step towards a comprehensive solution that would ensure that all the requirements of the relevant Security Council resolutions are satisfied in a synchronized manner.

The statement of the facts provided below is designed to demonstrate the scope of the injustice and the harm done to Iraq by the United States, which is using Security Council resolutions to cover illegal activities violating international law, the Charter of the United Nations and the Security Council resolutions concerning Iraq. These activities on the part of the United States have, furthermore, seriously harmed the credibility of the United Nations and represent a flagrant example of double standards. The brazen interference by the United States in the work of the Organization and its acts of aggression against Iraq since 1991, in violation of the Charter of the United Nations, have never stopped us from hoping that this bitter experience will be overcome and that the United Nations will assume even more effectively its role of saving future generations from the scourge of war, ensuring respect for basic human rights, affirming the equal rights of all nations, small or large, and promoting social progress and the establishment of better living conditions in greater freedom.

We have thus committed ourselves to continuing the dialogue with the United Nations Secretariat in spite of all the difficulties in order to ensure the complete implementation of all the Security Council resolutions, in accordance with the Charter of the United Nations. On the basis of this principle, we reaffirm our offer of a further series of technical discussions in order to evaluate what was accomplished in the preceding phase and to consider how to deal with the issues which had not yet been settled when the inspectors voluntarily withdrew in 1998, on the basis of the outstanding questions referred to in Ambassador Amorim's report. At the same time, the United Nations technical delegation will be entirely free to raise all the issues that it deems necessary in order to make progress in the discussion and establish rules making it possible to lay a common foundation for the following phase of monitoring and inspection activities, including consideration of the practical arrangements for establishing the monitoring regime in the future, and lay the groundwork for progress towards reaching a comprehensive settlement under which all the requirements of the relevant Security Council resolutions would be satisfied in a synchronized manner.

Looking forward to a positive response, I should like to convey to you the assurances of my highest consideration.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs of the Republic of Iraq
Baghdad, 15 August 2002

Attachment: questions raised by the Iraqi delegation at the session of talks on 7 March 2002

Questions presented by Iraq to the Security Council on 7 March 2002

Baghdad, 25 July 2002

Questions which Iraq's Foreign Minister presented to the United Nations Secretary-General in the session of talks on 7 March 2002 and to which he requested answers from the Security Council

1. What is your vision and assessment of what we have achieved after seven years and seven months of Iraq's cooperation with the Special Committee and the International Atomic Energy Agency? How can this cooperation be built on?

2. If one or two of the Security Council's permanent members say that they are not assured of Iraq's disarmament, we want to know what they want to be assured of. What are they looking for? What is the necessary time frame to complete this? We also ought to be satisfied, not just the Security Council, in order to go on cooperating with it. If they have any doubts about a certain site or activity, we ought to know about it.

3. How do you explain the stance of a permanent member of the Security Council which officially calls for the invasion of Iraq and the imposition of an agent regime on its people by force, in clear violation of the Security Council resolutions themselves, which clearly state that Iraq's sovereignty, independence and territorial integrity and the rules of international law and the United Nations Charter must be respected? At the same time, it demands that Iraq implement the Security Council's resolutions.

4. Is the Security Council seriously adhering to its mandate and the resolutions which it adopted, in particular, resolution 687 (1991), and to the fair, legal reading of this resolution? Or is the Security Council subject to the United States explanation of the resolutions and to the unilateral decisions of the United States concerning Iraq?

5. How could normal relations between Iraq and the Security Council be achieved under the current declared United States policy of seeking to invade Iraq and change by force its patriotic political regime?

6. The United States continuously declares that the economic sanctions imposed on Iraq will remain as long as the patriotic political regime in Iraq stays. What is the Security Council's position on this policy, which violates the relevant Security Council resolutions?

7. What guarantees could the United Nations offer to prevent interference between Iraq's relations with the United Nations and the United States agenda?

8. The concept of synchronicity in implementing the reciprocal obligations set forth in the Security Council resolutions related to Iraq is necessary and essential to rebuild confidence between Iraq and the Security Council. What are your views on the obligations related to Iraq's rights, first and foremost the lifting of sanctions, respect for Iraq's sovereignty, independence and territorial integrity and making the Middle East region free of weapons of mass destruction. What are the obligations the Security Council ought to implement to open up a new page of cooperation

between Iraq and the United Nations? How could we set up a mechanism that secures the synchronized implementation of the two sides' obligations?

9. Is it fair to ask Iraq to implement Security Council resolutions and the same not be demanded of a permanent member of the Security Council which continues to violate those resolutions, especially those related to respecting Iraq's sovereignty, independence and territorial integrity, and officially vows that its policy aims to invade the Republic of Iraq and overthrow its regime?

10. After disclosure of the espionage activities of former UNSCOM inspectors and the International Atomic Energy Agency according to confessions made by some members of the Special Committee and statements issued by United States sources and some Security Council permanent members and to what was acknowledged by the Secretariat, is it fair that inspectors return to Iraq who could be used to spy against Iraq and its leadership and to update information about Iraq's vital economic installations so as to bomb them in a coming aggression?

11. Could the United Nations ensure that those coming to Iraq are not spies and will not commit espionage activities?

12. Could the United Nations guarantee the elimination of the two no-fly zones? Could the United Nations guarantee that the upcoming inspection would not be a prelude to an aggression against Iraq as in 1998? Could the United Nations guarantee that the United States would not attack Iraq during the inspection operations, as throughout the seven and a half years from May 1991 to December 1998?

13. What is the Secretary-General's view about the time required for the inspection teams to make sure that Iraq does not have weapons of mass destruction and to inform the Security Council of this fact? What methods is the United Nations thinking of using in this respect and how far are they in keeping with the related international accords?

14. How would inspectors from States which are declaring their intention to threaten Iraq's national security, invade it and change its regime, apply their international, unbiased mandate on Iraq or respect the Security Council's resolutions and their duties under the Charter? The presence of United States and British inspectors on the Special Committee and the International Atomic Energy Agency helped the United States and the United Kingdom collect intelligence data and specify locations that were targeted in their aggression. All locations which had been visited by the inspection teams were exposed in the 1998 aggression, including the presidential sites, despite the inspectors' statement that there were no weapons of mass destruction. The United States and the United Kingdom also bombed all the industrial sites according to inspection data while they were under continuous monitoring.

15. What is the Secretary-General's view of the structure of UNMOVIC? Is it plausible to approve individuals who violated their unbiased mandate and duties, in addition to the reputation of the Organization, when they spied on Iraq?

16. What is the mandate of UNMOVIC? The United Nations statements and documents released up to now are ambiguous. What is the authority of its Head? What is the authority of its College of Commissioners? What is the form of the Secretary-General's supervision of its functioning? What are the guarantees that the

Commission and its chief would not abuse their authority? What are the guarantees that the Commission would not violate Iraq's sovereign rights?

17. The dropping of 120,000 tons of bombs, including 800 tons of depleted uranium, on Iraq during the 1991 aggression and the aggressions that followed, in addition to the all-out, 12-year blockade, has led to the semi-demolition of the economic, health, education and services infrastructure. Iraq will need to utilize all its resources when sanctions are lifted to rebuild its basic installations. The question of compensation and its high rates poses a big obstacle to this. What does the Secretary-General envisage to correct this situation? Does he intend to send expert teams to Iraq to discuss the question of reconstruction and its costs and to prepare the requirements to urge the Security Council to reconsider the question of compensation?

18. The blockade and the military aggressions launched by the United States and Britain against Iraq since 1991 have caused huge material and human losses in Iraq. What are the possibilities of considering, within a comprehensive solution based on justice, compensating Iraq for the human, material and psychological damage and losses that its people have suffered on the same basis adopted by the Security Council for compensation?

19. Iraq has a firm right to self-defence under Article 15 of the Charter. The Security Council did not abide by its commitments concerning Iraq's sovereignty and territorial integrity, thus encouraging regional parties to violate Iraq's national security. How do you see the question of Iraq's right to self-defence and its right under international law and the Charter to possess defence weapons?